

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION

CIVIL ACTION NO.: 05 CV 40071-FDS

\*\*\*\*\*)  
CHRISTIAN SCHWENK, )  
                                Plaintiff )  
  )  
v. )  
  )  
AUBURN SPORTSPLEX, LLC, DENNIS )  
NATOLI, JOHN NATOLI, and PETER )  
NATOLI, )  
                                Defendants )  
\*\*\*\*\*

MOTION TO POSTPONE PRETRIAL CONFERENCE

The Plaintiff in the above matter hereby moves to postpone the pretrial conference presently scheduled for July 27, 2007 for sixty days, upon the grounds that the Plaintiff Christian Schwenk has died, and pursuant to the Suggestion of Death recently filed, this matter is stayed until appointment and substitution of the personal representative of the estate.

It is expected the appointment will be achieved within the next three weeks, following which, a motion for substitution will be filed. Therefore, the parties respectfully request the above brief postponement to accomplish the necessary procedural requirements.

Plaintiff,  
By his attorney,

\_\_\_\_\_/S/ Douglas L. Fox  
Douglas L. Fox, Esq  
BBO#: 176380.  
Shumway, Giguere & Fox, PC  
19 Cedar Street  
Worcester, MA 01609  
(508) 756-2323

**CERTIFICATE OF SERVICE**

On this 17<sup>th</sup> day of July, 2007, I, Douglas L. Fox, Esquire, hereby certify that I served the within ***Motion to Postpone Pre-Trial Conference*** upon the Defendants, by mailing a copy of the same, first-class mail, postage prepaid, to Defendants' Counsel of Record:

William J. Ritter, Esq.  
Pojani, Hurley, Ritter & Salvidio, LLP  
446 Main Street, 21<sup>st</sup> Floor  
Worcester, MA 01608  
Fax: (508) 797-9561

/S/ Douglas L. Fox  
***DOUGLAS L. FOX, ESQUIRE***  
BBO #176380